Issuance Date: November 30, 2005
Effective Date: December 1, 2005
Expiration Date: November 30, 2010

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WASTE DISCHARGE PERMIT No. WA-003168-2

State of Washington
DEPARTMENT OF ECOLOGY
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008-5452

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

City of Seattle
700 Fifth Avenue, Suite 4900
P.O. Box 34018
Seattle, WA 98124-4018

The City of Seattle is authorized to discharge at the locations as shown in Table 2: Authorized Combined Sewer Overflow Outfalls (92 in total) in accordance with the Special and General Conditions that follow.

Kevin C. Fitzpatrick
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Table 1: Report Submittal Requirements

Permit Section	Submittal	Frequency	First Submittal Date
S2.B1.	CSO Supplemental Characterization Sampling and Analysis Plan	1/permit cycle	December 31, 2006
S2.B.2.	CSO Supplemental Characterization Study	1/permit cycle	December 31, 2009
S3.	Discharge Monitoring Report	Monthly	January 28, 2006
S3.E.	Noncompliance Notification	As necessary	
S5.A.	Annual Combined Sewer Overflow Report	Annually	June 30, 2006
S5.B.	Combined Sewer Overflow Reduction Plan Amendment	At permit renewal	May 31, 2010
S5.C.	Combined Sewer Overflow Reduction, Notification of Project Completion	As necessary	
S5.D.	Engineering Reports for CSO Reduction Projects	As necessary	
S5.E.	Identification of CSO Outfalls Meeting the State Regulator Requirement	1/permit cycle, included in CSO Reduction Plan Amendment	May 31, 2010
S6.	Outfall Evaluation Report	1/permit cycle	December 31, 2006
S7.A.	Documentation of Compliance with Nine Minimum Controls	1/permit cycle with renewal application	May 31, 2010
S7.A.8.d.	Public Feasibility Notification Study – DRAFT Public Feasibility Notification Study – FINAL	1/permit cycle 1/permit cycle	September 30, 2007 September 30, 2008
S8.A.	Documentation of Public Participation	1/permit cycle, included in CSO Reduction Plan Amendment	May 31, 2010
S8.B.	CSO Characterization – Baseline	1/permit cycle, included in CSO Reduction Plan Amendment	May 31, 2010
S8.C.	Post-Construction Compliance Monitoring Program – DRAFT Post-Construction Compliance Monitoring Program – FINAL	1/permit cycle 1/permit cycle	June 30, 2009 May 31, 2010

Permit Section	Submittal	Frequency	First Submittal Date
S9.	Sediment Survey	1/permit cycle	December 31, 2007
S8.D.	CSO Control Alternative – CSO with new or changes selected alternatives	1/permit cycle, included in CSO Reduction Plan Amendment	May 31, 2010
G1.	Notice of Change in Authorization	As necessary	
G4.	Reporting Planned Changes	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	May 31, 2010
G21.	Reporting Anticipated Noncompliance	As necessary	
G22.	Reporting Other Information	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Authorized Combined Sewer Overflows (CSO's) Outfalls

Beginning on the effective date of this permit and lasting through the expiration date of this permit, discharges from the CSO outfalls in Table 2, which are located within the boundaries of the Permittee's service area, are prohibited except as a result of precipitation events. These outfalls are occasional point sources of pollutants. No authorization is given by this permit for discharge from a CSO which causes adverse impacts that threaten characteristic uses of the receiving water as identified in the water quality standards, Chapter 173-201A WAC.

Table 2: Authorized CSO Outfalls (92 Outfalls)

Outfall Number	Overflow Outfall Location	Receiving Water Body	Water Body ID No.	Latitude (North)	Longitude (West)
12	NE 60th Street at NE Windemere Road	Lake Washington	WA-08-9350	47º 40' 16" N	122º 15' 11" W
13	Windermere Park NE 50th St.	Lake Washington	WA-08-9350	47° 39' 50" N	122° 15' 55" W
14	55th Ave. NE at NE 43rd St.	Lake Washington	WA-08-9350	47° 39' 33" N	122° 16' 05" W
15	51st Ave. NE at NE Laurelhurst Ln.	Lake Washington	WA-08-9350	47° 39' 19" N	122° 16' 17" W
16	Webster Pt NE at W Laurelhurst Drive	Lake Washington	WA-08-9350	47º 38' 54" N	122º 16' 41" W
18	38th Ave. NE at NE 41st St.	Union Bay	WA-08-9350	47° 39' 24" N	122° 17' 16" W
19	NE 45th Street at Montlake Blvd. NE	Union Bay	WA-08-9350	47º 39' 40" N	122º 17' 52" W
20	Shelby St. at E. Park Drive	Union Bay	WA-08-9350	47° 38' 49" N	122° 18' 02" W
22	39th Avenue E at E Lakeside Blvd.	Union Bay	WA-08-9350	47º 38' 34" N	122º 16' 58" W
24	43rd Ave. E. at E. Lee St.	Lake Washington	WA-08-9350	47° 37' 51" N	122° 16' 34" W
25	43rd Ave. E. at E. Lee St.	Lake Washington	WA-08-9350	47° 37' 51" N	122° 16' 33" W
26	Denny Blaine Pl. E.	Lake Washington	WA-08-9350	47° 37' 11" N	122° 16' 46" W
27	Lake Washington Blvd.	Lake Washington	WA-08-9350	47° 36' 54" N	122° 16' 49" W
28	Lake Washington Blvd. E. at E. Pike St.	Lake Washington	WA-08-9350	47° 36' 50" N	122° 16' 50" W
29	Lake Washington Blvd. E. at E. James St.	Lake Washington	WA-08-9350	47° 36' 25" N	122° 16' 57" W
30	Lake Washington Blvd. E. at E. Alder St.	Lake Washington	WA-08-9350	47° 36' 21" N	122° 16' 58" W
31	Lake Washington Blvd. S. at S. Main St.	Lake Washington	WA-08-9350	47° 36' 01" N	122° 17' 05" W
32	Lake Washington Blvd. S. at S. Dearborn St.	Lake Washington	WA-08-9350	47° 35' 45" N	122° 17' 11" W

Outfall Number	Overflow Outfall Location	Receiving Water Body	Water Body ID No.	Latitude (North)	Longitude (West)
33	Lake Washington Blvd. S. at S. Charles St.	Lake Washington	WA-08-9350	47° 35' 40" N	122° 17' 12" W
34	Lake Washington Blvd. S. at S. Charles St.	Lake Washington	WA-08-9350	47° 35' 40" N	122° 17' 12" W
35	Lake Washington Blvd. S. at S. Massachusetts St.	Lake Washington	WA-08-9350	47° 35' 15" N	122° 17' 05" W
36	Lake Washington Blvd. S. at S. College St.	Lake Washington	WA-08-9350	47° 34’ 57" N	122° 17' 10" W
37	Lake Washington Blvd. S. at S. Landing Pkwy.	Lake Washington	WA-08-9350	47° 34' 24" N	122° 16' 49" W
38	Lake Washington Blvd. S. at 45th Ave. S.	Lake Washington	WA-08-9350	47° 34' 17" N	122° 16' 32" W
39	Lake Washington Blvd. S. - E. of 46th Ave. S.	Lake Washington	WA-08-9350	47° 34' 16" N	122° 16' 31" W
40	Lake Washington Blvd. S. at 49th Ave. S.	Lake Washington	WA-08-9350	47° 34' 06" N	122° 16' 19" W
41	Lake Washington Blvd. S. at 50th Ave. S.	Lake Washington	WA-08-9350	47° 34' 05" N	122° 16' 12" W
42	Lake Washington Blvd. S. at S. Snoqualmie St.	Lake Washington	WA-08-9350	47° 33' 44" N	122° 15' 60" W
43	Lake Washington Blvd. S at S Alaska Street	Lake Washington	WA-08-9350	47º 33' 38" N	122º 15' 50" W
44	Lake Washington Blvd. S - S of Juneau Street	Lake Washington	WA-08-9350	47º 32' 50" N	122º 15' 18" W
45	57th Avenue South at South Brighton Street	Lake Washington	WA-08-9350	47º 32' 29" N	122º 15' 35" W
46	S Island Drive at S Grattan Street	Lake Washington	WA-08-9350	47º 31' 46" N	122º 15' 42" W
47	Seward Park Avenue S at S Henderson Street	Lake Washington	WA-08-9350	47º 31' 24" N	122º 15' 47" W
48	Rainier Avenue S at S Perry Street	Lake Washington	WA-08-9350	47º 30' 58" N	122º 15' 11" W
49	Rainier Ave. S. at S. Cooper Street	Lake Washington	WA-08-9350	47º 30' 49" N	122º 15' 01" W
56	Seaview Avenue NW at NW 71st Street	Puget Sound - Central	WA-PS-0240	47º 40' 50" N	122º 24' 19" W
57	Seaview Avenue NW at NW 68th Street	Puget Sound - Central	WA-PS-0240	47º 40' 42" N	122º 24' 25" W
59	Seaview Ave. NW at NW 57th Street	Salmon Bay	WA-08-9340	47º 40' 13" N	122º 24' 21" W
60	W Cramer Street at 39th Avenue NW	Salmon Bay	WA-08-9340	47º 40' 04" N	122º 24' 27" W
61	W Raye Street at Logan Avenue W	Elliott Bay	WA-09-0010	47º 38' 35" N	122º 25' 07" W
62	W Ray Street at Logan Avenue W	Elliott Bay	WA-09-0010	47º 38' 31" N	122º 25' 04" W

Outfall Number	Overflow Outfall Location	Receiving Water Body	Water Body ID No.	Latitude (North)	Longitude (West)
63	W Ray Street at Logan Avenue W	Elliott Bay	WA-09-0010	47º 38' 24" N	122º 25' 15" W
64	32nd Avenue W at Logan Avenue W	Elliott Bay	WA-09-0010	47º 37' 54" N	122º 23' 58" W
68	W Garfield Street at 17th Avenue W	Elliott Bay	WA-09-0010	47º 37' 59" N	122º 22' 45" W
69	Alaskan Way at Vine Street	Elliott Bay	WA-09-0010	47º 36' 48" N	122º 21' 08" W
70	Alaskan Way at University Street	Elliott Bay	WA-09-0010	47º 36' 21" N	122º 20' 26" W
71	Alaskan Way at Madison Street	Elliott Bay	WA-09-0010	47º 36' 13" N	122º 20' 19"W
72	Alaskan Way S at S Washington Street	Elliott Bay	WA-09-0010	47º 36' 03" N	122º 30' 13" W
78	Harbor Avenue SW at Fairmont Avenue SW	Elliott Bay	WA-09-0010	47º 35' 15" N	122º 22' 38" W
80	Harbor Avenue SW at SW Maryland Place	Elliott Bay	WA-09-0010	47º 35' 36" N	122º 22' 55" W
83	Alki Avenue SW at SW Arkansas Street	Puget Sound - Central	WA-PS-0240	47º 35' 30" N	122º 23' 42" W
85	Alki Avenue SW at Point Place SW	Puget Sound - Central	WA-PS-0240	47º 34' 36" N	122º 25' 12" W
88	SW Beach Drive – N of SW Bruce Street	Puget Sound - Central	WA-PS-0240	47º 33' 20" N	122º 24' 01" W
90	SW Beach Drive at Murray Avenue SW	Puget Sound – S-Central	WA-PS-0270	47º 32’ 24" N	122º 24' 00" W
91	Fauntleroy Way SW - N of SW Trenton St. in Lincoln Park	Puget Sound – S-Central	WA-PS-0270	47º 31' 32" N	122º 23' 44" W
94	Fauntleroy Avenue SW - N of SW Director Street	Puget Sound – S-Central	WA-PS-0270	47º 31' 25" N	122º 23' 46" W
95	Fauntleroy Avenue SW at SW Brace Pt Drive	Puget Sound – S-Central	WA-PS-0270	47º 31' 14" N	122º 23' 45" W
99	SW Hinds Street at Duwamish River West Waterway	W Waterway of Duwamish River	WA-09-1010	47º 34' 25" N	122º 21' 40" W
107	SW Hinds Street at Alaskan Way S	East Waterway of the Duwamish River	WA-09-1010	47º 34' 25" N	122º 20' 34" W
111	S. Oregon St. at East Duwamish	Duwamish River	WA-09-1010	47º 33' 47" N	122º 20' 43" W
116	S. Brighton Street - E. Duwamish	Duwamish River	WA-09-1010	47º 32' 29" N	122º 19' 55" W
120	Westlake Avenue N at Aurora Avenue N	Lake Union	WA-08-9340	47º 38' 43" N	122º 20' 49" W
121	Westlake Avenue N at Crockett Street	Lake Union	WA-08-9340	47º 38' 17" N	122º 20' 25" W

Outfall Number	Overflow Outfall Location	Receiving Water Body	Water Body ID No.	Latitude (North)	Longitude (West)
124	Westlake Avenue N - S of Aloha Street	Lake Union	WA-08-9340	47º 37' 36" N	122º 20' 19" W
127	Fairview Avenue E at Yale Avenue E	Lake Union	WA-08-9340	47º 37' 47" N	122º 19' 52" W
129	Fairview Avenue E at E Newton Street	Lake Union	WA-08-9340	47º 38' 12" N	122º 19' 46" W
130	Fairview Ave. E. @ E. Lynn St.	Lake Union	WA-08-9340	47º 30' 23" N	122º 19' 49" W
131	Fairview Avenue E at Louisa Street	Lake Union	WA-08-9340	47º 38' 32" N	122º 19' 48" W
132	Fairview Avenue E. at E.Roanoke E.	Lake Union	WA-08-9340	47º 38' 36" N	122º 19' 44" W
134	Fairview Avenue E at E Allison Street	Lake Union	WA-08-9340	47º 38' 59" N	122º 19' 28" W
135	Eastlake Avenue E at Portage Bay Place E	Lake Union	WA-08-9340	47º 39' 08" N	122º 19' 16" W
136	Portage Bay Place E at E Allison Street	Lake Union	WA-08-9340	47º 38' 56" N	122º 19' 04" W
138	E. Shelby Street - Portage Bay	Portage Bay	WA-08-9260	47º 38' 49" N	122º 18' 58" W
139	16th Avenue E at Louisa Street	Portage Bay	WA-08-9260	47º 38' 34" N	122º 18' 38" W
140	E Shelby Street at W Park Drive	Portage Bay	WA-08-9260	47º 38' 49" N	122º 18' 34" W
141	Brooklyn Avenue NE at Boat Street	Portage Bay	WA-08-9260	47º 39' 05" N	122º 18' 52" W
144	Latona Avenue NE at NE Northlake Way	Lake Union	WA-08-9340	47º 39' 11" N	122º 19' 32" W
145	N 36th Street at NE Northlake Way	Lake Union	WA-08-9340	47º 39' 00" N	122º 19' 50" W
146	Carr Place N at N Northlake Way	Lake Union	WA-08-9340	47º 38' 50" N	122º 20' 23" W
147	Stone Way N. at Northlake Way	Lake Union	WA-08-9340	47º 38' 53" N	122º 20' 34" W
148	8th Avenue NW at NW 41st Street	Lake Washington - Ship Canal	WA-08-9340	47º 39' 49" N	122º 22' 00" W
150	24th Avenue NW and NW Market Street	Salmon Bay Waterway	WA-08-9340	47º 40' 00" N	122º 23' 17" W
151	24th Avenue NW and NW Market Street	Salmon Bay Waterway	WA-08-9340	47º 40' 01" N	122º 23' 17" W
152	28th Avenue NW and NW Market Street	Salmon Bay Waterway	WA-08-9340	47º 40' 02" N	122º 23' 34" W
161	N.E. 65th Street and 65th Avenue N.E.	Lake Washington	WA-08-9350	47º 40' 38" N	122º 14' 42" W
165	Lake Washington Blvd. at S Alaska Street	Lake Washington	WA-08-9350	47º 33' 38" N	122º 15' 50" W

Outfall Number	Overflow Outfall Location	Receiving Water Body	Water Body ID No.	Latitude (North)	Longitude (West)
168	Delridge Avenue SW at SW Myrtle Street	Longfellow Creek	WA-09-1000	47º 32' 21" N	122º 21' 45" W
169	Between 24th and 25th Ave. SW N/O SW Thistle St.	Longfellow Creek	WA-09-1000	47º 31' 45" N	122º 21' 50" W
170	27th Avenue SW at SW Webster Street	Longfellow Creek	WA-09-1000	47º 32' 25" N	122º 21' 36" W
171	Rainier Ave. S at Ithaca Place S	Lake Washington	WA-08-9350	47º 30' 15" N	122º 15' 33" W
174	NW 36th Street at 2nd Ave. NW	Lake Washington - Ship Canal	WA-08-9340	47º 39' 10" N	122º 21' 35" W
175	E Garfield Street at Fairview Avenue E	Lake Union	WA-08-9340	47º 28' 02" N	122º 19' 38" W

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

The Permittee shall monitor all permitted outfalls with operating automatic flow monitoring equipment for discharge location, time, duration, volume, and weather-related information (precipitation and storm duration) in accordance with the following schedule:

Table 3: Monitoring Requirements

Category	Parameter	Units	Description of Measurement	Minimum Sampling Frequency	Sample Type
Combined Sewer Overflow	Volume	Gallons	Total volume discharged at each permitted outfall during the reporting month.	Per Event[b]	Measurement/ Calculation[a]
Combined Sewer Overflow	Duration	Hours	Total time of discharged at each permitted outfall during the reporting month.	Per Event[b]	Measurement
Precipitation		Inches	Nearest monitoring point to outfall. [c]	Per Event[b]	Measurement/ Calculation[a]
Storm Duration		Hours	Nearest monitoring point to outfall. [c]	Per Event[b]	Measurement

[a] "Measurement/Calculation" means the total volume of the discharge or precipitation event as estimated by direct measurement or indirectly by calculation i.e. flow weirs, pressure transducers, tipping bucket.

[b] "per Event" means unique flow event as defined in the *Permit Writer's Manual*, p. V-30. Ecology defines the minimum inter-event period (MIET) as 24 hours. A CSO event is considered to have ended only after at least 24 hours has elapsed since the last measured occurrence of an overflow.

[c] "Nearest monitoring point to outfall" means the closest City of Seattle owned and operated measurement device on the SPU raingage network, as may be identified by SPU, actively monitoring during the period of interest.

B. CSO Supplemental Characterization Study

For the purpose of supplementing previous characterization, the Permittee shall submit a *CSO Supplemental Characterization Sampling and Analysis Plan* for Department approval by **December 31, 2006**. The approved plan shall be implemented during the period from July 1, 2007 to June 30, 2009. The final *CSO Supplemental Characterization Study* report shall be submitted to Department by **December 31, 2009**.

1. The *CSO Supplemental Characterization Sampling and Analysis Plan* shall include a list of at least 8 CSO outfalls to be included in the study. The Permittee must specify the criteria for the selection of the study outfalls. The Permittee must attempt to choose the highest discharge volume CSOs such that the study outfalls represent greater than 75% of the Permittee's discharges based on historical CSO discharge volume data. The Permittee shall collect discharge samples three (3) times during the 2-year monitoring period from each of the identified study outfalls. The samples must be sampled and analyzed in accordance with the approved CSO Discharge Sampling and Analysis Plan for both conventional and priority pollutants as shown in Appendix B of the permit.

2. The final *CSO Supplemental Characterization Study* report shall include a summary of the findings and records of the analytical data collected for each of the study outfalls. A summary of the data must also be provided to the Department in an Excel spreadsheet format.

C. Sampling and Analytical Procedures[1]

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

D. Flow and Precipitation Measurement

Appropriate flow and precipitation measurement devices and methods that are consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of

[1] The City of Seattle has routine sampling and measurement only for flow and precipitation, as noted in Table 3. Additional sampling and measurements may be required by Department of Ecology in accordance with Section S3.E, S3.F, or S3.G.

the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

E. Laboratory Accreditation[2]

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORD KEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Monthly Discharge Monitoring Report

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report. The DMR reporting requirements may be fulfilled by submitting the necessary data electronically or by other means as agreed upon by the Permittee and the Department. DMR forms shall be received by the Department no later than the 28th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) shall be sent to the Department of Ecology, Northwest Regional Office, 3190 – 160th Avenue SE, Bellevue, Washington 98008-5452.

Discharge Monitoring Report forms must be submitted monthly whether or not the Permittee discharged. If there was no discharge during a given monitoring period, submit the report as required indicating that "no discharge" occurred during the reporting period.

The Permittee shall include in the Discharge Monitoring Report a listing of outfalls with operating automatic flow monitoring equipment and for those locations: discharge location, time, duration, volume and weather related information (precipitation and storm duration). The Permittee shall also identify any automatic flow monitoring equipment that is installed but not operating and duration of outage.

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[2] The City of Seattle has routine sampling and measurement only for flow and precipitation, as noted in Table 3. Additional sampling and measurements may be required by Department of Ecology in accordance with Section S3.E, S3.F, or S3.G.

B. Records Retention

The Permittee shall retain records of all monitoring information for the duration of the permit. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Department.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's monthly monitoring report.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.

2. Immediately notify the Department of the failure to comply. Report of spills and dry weather overflows shall be reported to the Department of Ecology’s 24-hour Spills Report phone number at (425) 649-7000 within 24 hours from the time the Permittee becomes aware of the incident.

3. Submit a detailed, written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Reporting - Dry Weather Overflows

Dry weather overflows (i.e. flows unrelated to a precipitation event) from CSO outfalls are prohibited. All dry weather overflows from outfalls in Table (2), shall be reported to the Department of Ecology's 24-hour Spills Report phone number at (425) 649-7000 within 24 hours from the time the Permittee becomes aware of the overflow. Submit a detailed, written report to the Department within five (5) days required under S3.E.3, unless requested earlier by the Department.

Corrective actions shall commence immediately and continue until the overflow has been eliminated.

Unauthorized discharges into marine waters shall also be reported to the Department of Health as required by Condition S3.G.

G. Reporting - Shellfish Protection

Unauthorized discharges to marine waters, such as combined sewer system dry weather overflows, shall be reported within 24 hours from the time the Permittee becomes aware of the overflow to the Department of Ecology and the Department of Health, Shellfish Program. The Department of Ecology's Northwest Regional Office 24-hour number is (425) 649-7000, and the Department of Health's Shellfish Program 24-hour number is (360) 236-3330.

H. Maintaining a Copy of This Permit

A copy of this permit must be kept by the Permittee's CSO Coordinator and at a location where it is made available upon request to the public or Ecology inspectors.

S4. OPERATION AND MAINTENANCE

The Permittee shall at all times properly operate and maintain all facilities and systems of conveyance and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. O & M Program

The Permittee shall institute an adequate operation and maintenance program for the entire combined sewage system. Maintenance records shall be maintained on all major electrical and mechanical components of the combined sewage system and its pumping stations. Such records shall clearly specify the frequency and type of maintenance recommended by the manufacturer and shall show the frequency and type of maintenance performed. These maintenance records shall be available for inspection at all times.

B. Short-term Reduction

If a Permittee contemplates a reduction in the level of operation and/or monitoring that would cause a violation of permit discharge limitations on a short-term basis for any reason, and such reduction cannot be avoided, the Permittee shall give written notification to the Department, if possible, thirty (30) days prior to such activities, detailing the reasons for, length of time of, and the potential effects of the reduced level of operation and/or monitoring. This notification does not relieve the Permittee of its obligations under this permit. The Permittee should attempt to minimize the duration of short-term reductions and should attempt to restrict short-term reductions to dry weather periods.

C. Electrical Power Failure

The Permittee is responsible for maintaining safeguards to prevent the discharge of untreated wastes or wastes not treated in accordance with the requirements of this permit during electrical power failure at the sewage lift stations either by means of alternate power sources, standby generator, retention of inadequately treated wastes, by-pass pumping (pumping of combined sewer flows with a means other than the pump station's pumps), or other equally protective means.

D. Prevent Connection of Inflow

The Permittee shall strictly enforce their sewer ordinances to minimize inflow (roof drains, foundation drains, etc.) to the combined sewer system.

E. Operations and Maintenance Manual

The Operations and Maintenance Manual shall be kept available for operations personnel whom shall follow the instructions and procedures of this manual. The Operation and Maintenance Manual shall be reviewed at least annually and updated as needed.

S5. REPORT REQUIREMENTS FOR COMBINED SEWER OVERFLOWS (Washington State Requirements)

A. Annual Combined Sewer Overflow Report

By June 30, 2006, as specified on the Summary of Permit Report Submittals, and annually thereafter, the Permittee shall submit an Annual CSO Report to the Department for review and approval, which complies with the requirements of WAC 173-245-090(1). In addition, this report must include a summary of the number of

untreated discharge events[3] per outfall based on a 5-year moving average, calculated once annually.[4]

B. Combined Sewer Overflow Reduction Plan Amendment

In conjunction with the application for renewal of this permit, the Permittee shall submit an amendment of its CSO Reduction Plan to the Department for review and approval. The amendment shall comply with the requirements of WAC 173-245-090(2). The submittal for the CSO Amendment Plan Reduction is required by May 31, 2010, as specified on the Summary of Permit Report Submittals.

This report must include all the requirements of WAC 173-245-090(2) and in addition must include the terms of S5.B, S5.E, S8.A, S8.B and S8.D, and any other permit provisions that result in submittals in the CSO Reduction Plan Amendment. This document must include a summary listing all of the CSO outfalls; and for each outfall identify the project(s) for investigation and the selected alternative designed to meet the State requirement of one untreated CSO event per year and the expected compliance date.

C. Compliance Schedule

In order to achieve the greatest reasonable reduction of combined sewer overflows at the earliest possible date, the following elements of the approved combined sewer overflow reduction plan shall be accomplished in accordance with the following approved compliance schedule of milestone dates.

Within fourteen (14) days after each completion date specified in Table 4 of this permit, the Permittee shall submit a written **Notification of Project Completion** report to the Department stating whether or not the particular activity was completed. If the activity was not completed, the report shall also include: (1) an explanation of the failure to accomplish the activity, (2) actions taken by the Permittee to correct the situation, and (3) an estimate of when the activity will be completed.

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[3] "per Event" means unique flow event as defined in the *Permit Writer's Manual*, p. V-30. Ecology defines the minimum inter-event period (MIET) as 24 hours. A CSO event is considered to have ended only after at least 24 hours has elapsed since the last measured occurrence of an overflow.

[4] The 5-year moving average shall be calculated by counting the number of untreated discharge events as of December 31 for each of the five years that immediately precede the year of the annual report, adding those numbers of untreated discharge events together, and then dividing that summation by five to arrive at the 5-year moving average.

Table 4: CSO Project Compliance Schedule[5]

Activity	Scope of Activity And Expected Start Date	Expected Completion Date
1. Best Management Practices. Cleaning Lines - Basins 44, 45, 47/171, 49 Upgrade Hydrobrakes – Basins 40, 42, 47/171 Overflow Structure Upgrade – Basins 40, 42, 47B/171		 December 31, 2006 December 31, 2009 December 31, 2009
2. Windermere, Storage for Basin (13, 15)	Engineering Report, 2007	Engineering Report by December 31, 2009.
3. Genesee, Storage for Basin (40, 42, 43, 165)	Engineering Report, 2009	Engineering Report by December 31, 2010
4. Henderson/Rainier Storage for Basin (44, 45, 46, 47C, 47B/171), Conveyance (49)	Monitoring and Planning, 2005[a]	December 31, 2008
5. Duwamish, Storage for Basin (111D)	Monitoring and Planning, 2008[a]	December 31, 2010
6. Ballard, Storage (150/151, 152), Monitoring and Modeling	Monitoring and Planning, 2008[a]	December 31, 2010
7. Fremont/Wallingford, Partial Separation (147), Weir Modification (174), Monitoring and Modeling	Monitoring and Planning, 2008[a]	December 31, 2010

[a] "Monitoring and Planning" shall mean flow monitoring in support of planning and design of facilities.

D. Engineering Reports for CSO Reduction Projects

The Permittee shall submit to the Department a plan for each specific CSO reduction construction project. Engineering documents associated with the plan must meet the requirements of WAC 173-240-060, "Engineering Report," and be approved by the Department prior to any construction. The plan shall specify any contracts, ordinances, methods for financing, or other arrangements necessary to achieve this objective. In addition, the plan must identify the potential hydraulic impact(s) of the project on downstream wastewater conveyance and treatment facilities.

E. CSO Outfalls Which Meet the State Regulatory Requirement

1. Identification of CSO Outfalls Meeting the State Regulatory Requirement

The Permittee shall determine which of the permitted CSO outfalls can be categorized as meeting the "greatest reasonable reduction" which means control of each CSO such that **an average of one untreated discharge may occur per year**[6]. The Permittee shall determine whether a CSO meets this regulatory requirement based on historical long-term discharge data, modeling or other reasonable methods as submitted to Ecology. A listing of CSO outfalls which have been identified by the Permittee as meeting this regulatory requirement shall be included in the CSO Reduction Plan Amendment.

[5] Project concepts initially proposed in the 2005 letter amendment and the City of Seattle, *CSO Reduction Plan Amendment*, December 2001.

[6] WAC 173-245-020(22)

2. Performance Standard for CSO Outfalls Meeting the State Regulatory Requirement

A performance standard shall apply to all CSO outfalls which have been identified by the Permittee in the CSO Reduction Plan as meeting the "greatest reasonable reduction" as required by S5.E.1. The performance standard is derived from the State regulatory requirement as specified in WAC 173-245-020(22) and from the *Permit Writer's Manual* which provides guidance in specifying the compliance period upon which to base the performance standard.[7] Compliance with the performance standard shall be based on a **5-year average for the duration of permit cycle**.[8] The compliance point is determined once during the permit term, based on the 5-year average of the number of untreated discharge events for each applicable CSO outfall for the preceding five calendar years (January through December) using the data provided at the time of application for permit renewal.

Annual reporting of the number of untreated discharge events based on a 5-year moving average, calculated once annually, is required in the Annual CSO Report per S5.A.

S6. OUTFALL EVALUATION

The Permittee shall inspect the submerged portion of all of the permitted outfall lines and diffusers to document its integrity and continued function. If conditions allow for a photographic verification, it shall be included in the report. If conditions do not allow for inspection, provide an explanation and planned action to be taken to allow inspection if possible. The inspection report shall be submitted to the Department in accordance by December 31, 2006, as shown in Table 1: Summary of Report Submittals.

S7. EFFLUENT LIMIT (EPA Requirements for Phase II CSO Permit)

Technology-based Requirements for CSOs (Nine Minimum Controls)

The Permittee shall comply with the following technology-based requirements. A report describing the Permittee's compliance with the Nine Minimum Controls is required. The **Documentation of Compliance with Nine Minimum Controls** report must be submitted by May 31, 2010, as shown in Table 1: Summary of Report Submittals. Refer to Appendix A for the documentation requirements.

1. Conduct proper operations and regular maintenance programs. The Permittee shall implement the Operation and Maintenance Plan for the Combined Sewer System (CSS) that will include the elements listed below. The Permittee also shall update the plan to incorporate any changes to the system and shall operate and maintain the system according to the plan. The Permittee shall keep records to document the implementation of the plan.

[7] Ecology's *Permit Writer's Manual*, version July 2004, pV-23. Averaging period may be based on 5-year permit term.

[8] A violation of the performance standard for a given outfall is based on the 5-year average of events and is considered a single violation per outfall.

a. Designation of a Manager for Combined Sewer System. The Permittee shall designate a person to be responsible for the wastewater collection system and serve as the contact person regarding the CSS.

b. Inspection and Maintenance of CSS. The Permittee shall inspect and maintain all CSO structures, regulators, pumping stations, and tidegates to ensure that they are in good working condition and adjusted to minimize CSOs and prevent tidal inflow. The Permittee shall inspect, or cause to be inspected, each CSO regulator structure at an appropriate frequency to ensure no dry weather overflows are occurring. The inspection shall include, but is not limited to, determining the extent of debris and grit buildup, and removing any debris or transfer of debris to the County system that may constrict flow, cause blockage, or result in a dry weather overflow. The Permittee shall keep records of the inspections. For CSO regulator structures that are inaccessible, the Permittee may perform a visual check of the overflow pipe to determine whether or not the CSO is occurring during dry weather flow conditions.

c. Provision for Trained Staff. The Permittee shall ensure the availability of trained staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit.

d. Allocation of Funds for O&M. The Permittee shall allocate adequate funds specifically for operation and maintenance activities.

2. Maximize use of the collection system for storage. The Permittee shall maximize the in-line storage capacity.

3. Actions to minimize impact of nondomestic discharges on CSOs. The Permittee shall continue to implement selected CSO controls to minimize CSO impacts resulting from nondomestic discharges.

4. Maximize flow to POTW treatment plant. The Permittee shall operate the conveyance system to King County's interceptors and POTW/CSO treatment plants at the maximum transferable flow during wet weather flow conditions/events and deliver all flows to the treatment plants within the constraints of the capacity of the treatment plant. The Permittee shall keep records to document these actions.

5. Prohibit combined sewer overflows during dry weather. Dry weather overflows from CSO outfalls are prohibited. All dry weather overflows must be reported to the Department within **24 hours** of when the Permittee becomes aware of a dry weather overflow in accordance with S3.F. When the Permittee detects a dry weather overflow, the Permittee shall begin corrective action immediately. The Permittee shall inspect the dry weather overflow each subsequent day until the dry weather overflow has been eliminated. The Permittee shall maintain records of the cause, if determinable, corrective measures taken, and the dates of beginning and cessation of overflow.

6. Control solid and floatable materials in CSOs. The Permittee shall implement measures to control solid and floatable materials in CSOs.

7. Develop and implement pollution prevention program. The Permittee shall implement a pollution prevention program focused on reducing the impact of CSOs on receiving waters. The pollution prevention program must be implemented in the combined sewer service area. The Permittee shall keep records to document pollution prevention implementation activities.

8. Notify the public of CSOs. The Permittee shall continue to implement a public notification plan to inform citizens of when and where CSOs occur. The process must include:

   a. A mechanism to alert persons using all receiving water bodies affected by CSOs.

   b. A system to determine the nature and duration of conditions that are potentially harmful to users of these receiving water bodies due to CSOs. The Permittee shall keep records documenting public notification.

   c. Within 3 months of the effective date of this permit, the Permittee shall install and maintain identification signs at all CSO outfalls owned and operated by the Permittee. The Permittee must place the signs at or near the CSO outfalls and in a location that is easily readable by the public.

   d. The Permittee shall submit a Draft and Final Public Notification Feasibility Study which surveys methods for providing more immediate information to the public regarding CSO events. The study must include an evaluation of an option of implementing a web-based notification system to be made available to the public.

      The **Draft Public Notification Feasibility Study** shall include a description and implementation plan for public participation that outlines how the Permittee will allow for participation by the public. The Draft Public Notification Feasibility Study shall be submitted to the Department within one (1) year of the effective date of the permit (Report Submittal due September 30, 2007).

      The **Final Public Notification Feasibility Study** shall include a discussion of the alternatives considered and a recommended alternative for providing public notification. The Final Public Notification Feasibility Study shall be submitted to the Department within two (2) years of the effective date of the permit (Report Submittal due September 30, 2008).

9. Monitor to effectively characterize CSO impacts and the efficacy of CSO controls. The Permittee shall regularly monitor CSO outfalls to characterize CSO impacts and the efficacy of CSO controls.

S8. LONG-TERM CONTROL PLAN (EPA Requirements for Phase I EPA Permit)

The Permittee shall further develop the following elements of EPA's long-term control plan to be included in the CSO Reduction Plan Amendment unless otherwise stated.

A. Public Participation

The Permittee shall implement a public participation plan during the development of the CSO Reduction Plan Amendment. Documentation of public participation shall be included in the Reduction Plan Amendment. The Documentation of Public Participation shall be submitted to the Department by May 31, 2010, as shown in Table 1: Summary of Report Submittals.

B. CSS Characterization – Baseline Conditions

The Permittee shall use the previously developed and approved CSO Reduction Plans[9] to determine the baseline conditions upon which the Long-Term Control Plan and the Reduction Plan are to be based. The baseline conditions shall reflect the response of the CSS to various precipitation events; and identify the number, location, and frequency of CSOs. This report requirement shall be included in the Reduction Plan Amendment submittal due May 31, 2010.

C. Post-Construction Compliance Monitoring Program

The Permittee shall develop and submit a post-construction monitoring program that (a) measures the effectiveness of the CSO controls and (b) can be used to demonstrate attainment of water quality standards. The program shall include a plan that details the monitoring protocols to be followed, including CSO and ambient monitoring and, where appropriate, other monitoring protocols, such as biological assessments, whole effluent toxicity testing, and sediment sampling. The Post-Construction Monitoring Program DRAFT and FINAL reports shall be submitted to the Department by June 30, 2009, and May 31, 2010, respectively, as shown in Table 1: Summary of Report Submittals.

D. CSO Control Alternatives

For all CSOs for which control objectives (an average of one untreated discharge per year per outfall) have not yet been met, the Permittee shall provide the following documentation to establish the new alternative for investigation and/or design. The report requirement shall be included in the Reduction Plan Amendment submittal May 31, 2010.

1. Development of CSO Control Alternatives. The Permittee shall develop a range of CSO control alternatives that would be necessary to achieve **an average of one untreated CSO event per year per outfall.** Alternatives considered shall include reduction of inflow and infiltration.

2. Evaluation of CSO Control Alternatives. The Permittee shall evaluate each of the alternatives developed to select the CSO controls that will ensure compliance with Clean Water Act (CWA) requirements and Washington State regulations (WAC173-245).

[9] The 1980 Reduction Plan, 1988 Reduction Plan, and 2001 Reduction Plan Amendment.

3. Cost/Performance Considerations. The Permittee shall develop and submit cost/performance curves that demonstrate the relationship among the set of CSO control alternatives that correspond to the CSO alternatives identified in S8.D.1, above.

S9. SEDIMENT MONITORING

Sediment Survey Report

The Permittee shall submit a *Sediment Survey* report to the Department by **December 31, 2007**. Based on the results of the survey, additional sediment monitoring may be required by the Department in the vicinity of the Permittee's CSO outfalls.

The Permittee shall gather any readily available existing sediment quality data for areas in the vicinity of the permitted CSO outfalls. Sources of data may be from other agencies such as the Department of Ecology's Sediment Quality Information System (SEDQUAL) database or other reliable sources. The report shall include a summary of findings and a summary of the data to be submitted to the Department for review and evaluation to determine if further sediment monitoring may be needed.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

A. All permit applications shall be signed by either a principal executive officer or a ranking elected official.

B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Department.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2, above, is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2, above, must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.
2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
3. A material change in quantity or type of waste disposal.
4. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR Part 122.64(3)].
5. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR Part 122.64(4)].
6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:

1. A material change in the condition of the waters of the state.
2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7 of this section, and the Department determines that modification or revocation and reissuance is appropriate.
2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation of the terms and conditions of this permit.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least one hundred eighty (180) days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph (B) below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new permittee if:

1. The Permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars ($10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars ($10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
1) an upset occurred and that the Permittee can identify the cause(s) of the upset;
2) the permitted facility was being properly operated at the time of the upset;
3) the Permittee submitted notice of the upset as required in Condition S3.E; and
4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two (2) years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

G22. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Department, it shall promptly submit such facts or information.

G23. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

APPDENDIX A

DOCUMENTATION OF NINE MINIMUM CONTROLS[10]

1. PROPER OPERATION AND REGULAR MAINTENANCE PROGRAMS

An inventory of CSS components requiring routine operation and maintenance.

An evaluation of operation and maintenance procedures to include regular inspections; sewer, catch basin, and CSO facility cleaning; and equipment and sewer collection system repair or replacement where necessary.

Copy of, or excerpts from, an operation and maintenance manual and/or procedures for the CSS and CSO structures.

Resources allocated (manpower, equipment, and training) for maintenance of the CSS and CSO structures.

A summary of inspections conducted and maintenance performed.

2. MAXIMIZATION OF USE OF THE SEWER COLLECTION SYSTEM FOR STORAGE

An analysis/study of alternatives to maximize collection system storage.

A description of procedures in place for maximizing collection system storage.

An implementation schedule of minor construction associated with maximizing collection system storage.

Description of actions taken to maximize storage.

Identification of existing off-line storage potential.

Identification of any additional potential actions to increase storage in the existing collection system, but that require further analysis; documentation that they will be/were evaluated in hydraulic studies conducted as part of the CSO Reduction Plan.

3. REVIEW AND MODIFICATION OF CONTROLS ON NONDOMESTIC SOURCES

Results of an inventory of nondomestic discharges and assessment of the impact of such discharges on CSOs.

Analysis of feasibility of modifications to nondomestic source controls to reduce the impact of such discharges on CSOs.

Documentation of selected modifications.

4. MAXIMIZATION OF FLOW TO THE POTW FOR TREATMENT

Results of any study/analysis of existing conditions and a comparison with the design capacity of the overall facility.

Results or status of any engineering studies to increase treatment of wet weather flows.

Documentation of actions taken to maximize flow and the magnitude of increase obtained or projected.

[10] Environmental Protection Agency Combined Sewer Overflows Guidance for Permit Writers, September 1995. p. 3-11.

5. ELIMINATION OF DRY WEATHER OVERFLOWS

A summary of dry weather overflows that occur, including location, duration, and frequency.

A description of procedures for notifying permitting authority of dry weather overflows.

A summary of actions taken to identify dry weather overflows and progress toward eliminating dry weather overflows.

A plan for complete elimination of all dry weather overflows.

6. CONTROL OF SOLID AND FLOATABLE MATERIALS IN CSOs

An engineering evaluation of procedures or technologies considered or to be considered for controlling solids and floatable materials.

A description of CSO controls in place for solid and floatable materials.

A schedule for minor construction.

Documentation of any additional controls to be installed or implemented.

7. POLLUTION PREVENTION PROGRAMS TO REDUCE CONTAMINATION IN CSOs

An evaluation of pollution prevention opportunities to include procedures to control solid and floatable materials.

A description of selected pollution prevention opportunities to include resources allocated for implementation.

Documentation of pollution prevention program or actions taken.

8. PUBLIC NOTIFICATION

An evaluation of public notification options, including description of existing and/or proposed public notification procedures.

A description of selected public notification methods.

A log of CSO occurrences and associated public notification.

9. MONITORING TO CHARACTERIZE CSO IMPACTS AND EFFICACY OF CSO CONTROLS

An identification of CSO outfalls in the CSS.

A summary of CSO occurrences (the number of CSO events and the frequency and duration of CSOs during a representative number of events); monitoring summary for frequency and duration for overflow events may portray a representative number of CSO outfalls.

A summary of existing water quality data for receiving water bodies.

A summary of receiving water impacts directly related to CSOs (e.g., beach closing, floatables, wash-up episodes, fish kills).

An assessment of the effectiveness of any CSO control measures already implemented (e.g., reduction of floatables).

Discussion of additional monitoring needed to complete the CSO Reduction Plan Amendment.

APPDENDIX B

EPA "PART D" NPDES APPLICATION TESTING REQUIREMENTS

Conventional Pollutants

BOD_5, Total Suspended Solids, Fecal Coliform, pH, Oil and Grease, Ammonia and Volatile Solids

Priority Pollutants

The following pollutant scan data are required at time of NPDES permit application for municipal treatment facilities with design flow greater than 1.0 mgd. At least three scans are required, conducted during the term of the previous permit.

METALS & MISC.
Antimony
Arsenic
Beryllium
Cadmium
Chromium
Copper
Lead
Mercury
Nickel
Selenium
Silver
Thallium
Zinc
Cyanide
Total Phenolic Compounds
Hardness (As $CaCO_3$)

VOLATILE ORGANICS
Acrolein
Acrylonitrile
Benzene
Bromoform
Carbon Tetrachloride
Clorobenzene
Chlorodibromo-Methane
Chloroethane
2-Chloro-Ethylvinyl Ether
Chloroform
Dichlorobromo-Methane
1,1-Dichloroethane
1,2-Dichloroethane
Trans-1,2-Dichloro Ethylene
1,1-Dichloroethylene
1,2-Dichloropropane
1,3-Dichloro-Propylene

VOL. ORGANICS (Cont.)
Ethylbenzene
Methyl Bromide
Methyl Chloride
Methylene Chloride
1,1,2,2-Tetrachloro-Ethane
Tetrachloro-Ethylene
Toluene
1,1,1-Trichloroethane
1,1,2-Trichloroethane
Trichlorethylene
Vinyl Chloride

ACID EXTRACTABLES
P-Chloro-M-Cresol
2-Chlorophenol
2,4-Dichlorophenol
2,4-Dimethylphenol
4,6-Dinitro-O-Cresol
2,4-Dinitrophenol
2-Nitrophenol
4-Nitrophenol
Pentachlorophenol
Phenol
2,4,6-Trichlorophenol

BASE NEUTRALS
Acenaphthene
Acenaphthylene
Anthracene
Benzidine
Benzo(A)Anthracene
3,4 Benzo-Fluoranthene
Benzo(Ghi)Perylene
Benzo(K)Fluoranthene
Bis (2-Chloroethoxy) Methane

BASE NEUTRALS (Cont.)
Bis (2-Chloroethyl)-Ether
Bis (2-Chloroiso-Propyl) Ether
Bis (2-Ethylhexyl) Phthalate
4-Bromophenyl Phenyl Ether
Butyl Benzyl Phthalate
2-Chloronaphthalene
4-Chlorphenyl Phenyl Ether
Chrysene
Di-N-Butyl Phthalate
Di-N-Octyl Phthalate
Dibenzo(A,H) Anthracene
1,2-Dichlorobenzene
1,3-Dichlorobenzene
1,4-Dichlorobenzene
3,3-Dichlorobenzidine
Diethyl Phthalate
Dimethyl Phthalate
2,4-Dinitrotoluene
2,6-Dinitrotoluene
Fluoranthene
Fluorene
Hexachlorobenzene
Hexachlorobutadiene
Hexachlorocyclo-Pentadiene
Hexachloroethane
Indeno(1,2,3-CD)Pyrene
Isophorone
Naphthalene
Nitrobenzene
N-Nitrosodi-N-Propylamine
N-Nitrosodi-Methylamine
N-Nitrosodi-Phenylamine
Phenanthrene
Pyrene
1,2,4-Trichlorobenzene